

GOVERNMENT OF ANDHRA PRADESH

Abstract

Panchayats – Mines & Quarries – Right of quarrying of ordinary Sand in Reach No. 19 of Penna River in the village limits of Telugurayapuram (v), Kaluvai (M), SPSR Nellore District for a period of about 2 years upto 31.3.2011 in favour of M/s. Siddi Vinayaka Minerals for Rs.40,09,999/- - Refund of bid amounts – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.III) DEPARTMENT

G.O.Rt.No. 1417

Dated 30.07.2012

Read the following:

1. From Asst. Director of Mines and Geology, Nellore Letter No. 2513/Sand/NLR/2009, dated 25.10.2010.
2. Orders of the Hon'ble APHC in W.P.No.23850/2010, dated 20.7.2011.
3. Contempt Case No.116/2012 filed by M/s.Siddi Vinayaka Minerals, Rep. by its Managing Partner. Sri DVVC Mohan Reddy, Nellore.
4. From the Govt. Pleader for Ind & Com., High Court Buildings, Hyderabad Letter No.CC No.114/12/Inds/VR, dtd.10.7.2012.

ORDER:

In the reference 1st read above, the Assistant Director of Mines & Geology, Nellore has informed that he has issued auction Notification bearing No.864/Q/2008-III, dt.18.4.09 to conduct auctions for grant of leasehold rights to quarry ordinary sand for 17 reaches in Penna river of SPSR Nellore including the Reach No.19 in the village limits of Telugurayapuram, Kaluvai (M) with a minimum bid amount of Rs.2,91,000/- for two years upto 31.3.2011.

2. Against above notification, one Sri V.Aravinda Kumar Reddy filed public litigation in WPMP No.12744/09 in WP No.9838/09 and APHC issued following orders:

“The auction as proposed under impugned auction notice dated 18.4.2009 may go on. However before entering into lease deeds with the successful bidder, the respondents shall seek permission of this Court”

3. Based on the above interim orders of APHC, auctions were conducted on 18.5.2009 by the Assistant Director, Mines & Geology, Nellore and Telugurayapuram reach, M/s. Siddi Vinayaka Minerals declared as Highest successful bidder for Rs.40,09,999/- and they have paid the 25% of knocked down amount for Rs.10,02,500/-.

4. The Director, Ground Water Dept., Hyderabad in his report dated 29.6.09 gave negative feasibility report in respect of Telugurayapuram reach that there is ground water and the said reach is not feasible for grant of leasehold rights.

5. The Hon'ble Supreme Court in SLP No.12215/2010 filed by the Chairman, Zilla Praja Parishad, Nellore against the orders of Hon'ble APHC dt.5.2.2010 in W.P.No.10073/09, dtd.5.2.2010 held that there appears no illegality to grant leases in accordance with law pursuant to the impugned notification dated 8.4.09 in respect of those reaches for which clearance was issued by the Director, Ground Water Dept., and which clearance is available with Dist. Level Sand Committee. In respect of those reaches where no ground water clearance report issued by the Director, Ground Water Dept., is available, no grant of leases could be made by the official respondents even if the bids pursuant to the impugned auction notification have been processed.

[Contd...P.2]

6. In the reference 2nd read above, M/s. Siddi Vinayaka Minerals, Rep. by its Managing Partner Sri DVVC Mohan Reddy filed W.P.No.23850/2010 for refund of amounts paid by him and the Hon'ble APHC in its orders dated 20.7.2011 disposed the W.P. with a direction to the first respondent i.e., Principal Secretary, I&C Dept., to pass appropriate orders on the representation filed by the petitioner in the light of the common order passed by this Court in W.P.Nos.25566 and 25660 of 2010 decided on 8.10.2010 and in accordance with law, expeditiously preferably within a period of two months.

7. In the reference 3rd read above M/s. Siddi Vinayaka Minerals, Rep. by its Managing Partner Sri DVVC Mohan Reddy have filed C.C.No.116/2012 and the case is adjourned finally to 20.7.2012.

8. In the reference 4th read above, the G.P. for Ind. & Com., APHC has requested the Principal Secretary, I&C Dept., to implement the orders dated 20.7.2011 in W.P.No.23850/2010 immediately or else the court may pass appearance orders to the concerned and also to impose heavy costs.

9. Government after careful examination of the matter decided and hereby accord permission to the concerned on the following for refund of auction amount to M/s. Siddi Vinayaka Minerals, Rep. by its Managing Partner Sri DVVC Mohan Reddy to avoid further legal complications in the matter.

(1) the Chief Executive Officer, Zilla Praja Parishad, Nellore to draw and disburse an amount of Rs.4.44 lakhs available in ZPP funds of Nellore under 8448-Deposits of local funds – 109-Panchayat funds SH (03) Zilla Parishad funds.

(2) the Assistant Director, Mines & Geology, Nellore to draw and disburse an amount of Rs.5.58 lakhs from the receipt Head of A/c 0853-Non Ferrous Mining & Metallurgical Industries, MH-900-Deduct returns, SH(96)-Deduct refunds. He is also permitted to refund the EMD amount of Rs.72,750/- which was paid in the shape of D.D. and credited to the bank account of Asst. Director, Mines & Geology, Nellore; and

10. The Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District and the Assistant Director, Mines & Geology, Nellore are requested to take further necessary action in the matter.

11. This order issues with the concurrence of the Finance (Expr.-PR&RD) Dept., vide their U.O.No.18400/397/2012, dated 19.07.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District
The Assistant Director, Mines & Geology, Nellore.
The District Treasury Officer, SPSR Nellore District.

Copy to:

The Commissioner of Panchayat Raj & Rural Employment, Hyderabad.
The Director of Mines and Geology, Hyderabad.
The Finance (Expr-PR&RD) Dept.,
The Account General, A.P., Hyderabad.
The P.S. to Principal Secretary to Govt., PR&RD Dept.
The P.S. to Principal Secretary to Govt., I&C (SPIU&SAND) Dept.

//FORWARDED :: BY ORDER//

SECTION OFFICER